

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ANNA RILEY,

Plaintiff

v.

**Civil Action 2:19-cv-2773
Judge George C. Smith
Magistrate Judge Jolson**

**UNITED STATES POSTAL SERVICE.,
et al.,**

Defendants.

REPORT AND RECOMMENDATION

On January 24, 2020, the Court noted that Plaintiff had not timely served Defendant United States Postal Service (“USPS”) and directed Plaintiff to do so within fourteen days. (Doc. 12 at 2). On March 11, 2020, the Court gave Plaintiff another fourteen days to complete service. (Doc. 15). On March 31, 2020, Plaintiff responded to the Court’s show cause order, asked for additional time to serve the USPS, and noted the correct address for service. (Doc. 16). So, for the third time, the Court granted Plaintiff an additional fourteen days to serve the USPS at the Washington D.C. address noted in Plaintiff’s response to the show cause order. (Doc. 17). Over three weeks have passed since that order, and Plaintiff has not served Defendant USPS.

Based upon the foregoing, it is **RECOMMENDED** that Defendant USPS be **DISMISSED without prejudice** for failure to timely effect service of process under Rule 4(m) of the Federal Rules of Civil Procedure.

Procedure on Objections

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting

authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

IT IS SO ORDERED.

Date: April 23, 2020

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE